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THE SOCIETY OF NATIONS IN THE THIRTEENTH CENTURY.

MAURICE DE WULF.

AT the present moment, when the question of the society of nations is discussed almost everywhere, it may be interesting to consider what attempts were made to realize it in the past, with the endeavor to study how human societies during the thirteenth century were formed into one single association. This effort to reunify society was the first since the disintegration of the Roman Empire.

The thirteenth century, which was the heart of the middle ages, witnessed the development of an original civilization, which makes this period one of the most interesting in human history. All that constitutes the peculiar greatness of humanity,—organization of labor and of economic life, institution of the family, of the city, of the "commune," of the state; production of art, science, philosophy; emotional life of morality and of religion;—all these complex, interpenetrating realities which form a civilization, and which determine the degree of its excellence, received during that century an expression such as it has never since recovered.

The thirteenth century is the consummation of mediæval life; it then presents itself to us in bold outlines. A new spirit pervades the policy of Kings; material prosperity increases; the rural population begins to breathe more freely; the sense of a common life in the cities awakens; art continues its triumphal march; Gothic architecture takes its place beside Romanesque; *chansons de geste*, hymns and sacred poetry spring to life on the lips of troubadours and in the cloisters; the painting of frescoes appears; sciences are constructed; philosophies flourish luxuriantly; customs characteristic of feudalism and chivalry—dignity of the individual, spirit of fair-play between adversaries in war, habits of courtesy—arise as the basis for relations be-

tween laymen. Catholicism is the soul of the great social organizations. The church is everywhere, with its monks, its clerks, its bishops and its Papacy. The crusades follow one after another; and by them, the religious ideal is fed, the peoples are brought together, and attention is directed towards the East.

It is just at this time that the problem of universal peace becomes insistent, and the most distinguished writers, permeated by the sentiment of universal fraternity, strive to organize a kind of Christian republic, a society embracing all human beings.

To understand what constitutes this unity which they desired, and what its value was, we must transport ourselves into the thoughts of that time, and carefully avoid foreign parallels with the present time,—precisely as one who wishes to learn a foreign language must think in terms of that language, and not simply translate the words and idioms of his maternal tongue.[1]

I.

Centripetal Tendencies.

The "society of human beings" as it was sketched by the most refined intellects of the thirteenth century and imperfectly realized by the great leaders, cannot be understood unless we grasp certain characteristic marks, which give their quality to every kind of human activity of that time, and which therefore may be called *social characteristics*, namely, the need of order and stability, and the need of an international standard.

The need of ordering everything in accordance with principles of unity and stability, the search for systems which extend themselves over vast domains, is one of the conspicuous marks of a century which saw in the large, and acted on a large scale. Whichever way one turns, the ambition of initiators was prodigious, and everyone dreamed of *universal harmony*.

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[1] Cf. our study, *Civilisation et philosophie au 13th siècle*, in "Revue de Metaphysique et de Morale," July, 1918.

The policy of kings was filled with this ambition. For, at this time, national unity began to vivify great states such as France, England, Germany, Spain. Now, this national unity was not able to realize itself, except by introducing principles of order, which brought under a common régime social classes scattered over vast territories, and previously subjected to local and antagonistic powers. The thirteenth century was a century of kings who were all organizers, administrators, legislators; they were builders of stability, who all moulded their countries and their peoples: Philip August and Louis IX in France; Edward I in England; Frederic II in Germany; Ferdinand III and Alphonse X in Spain; all had these traits in common.

In France, centrifugal feudalism became more and more feeble, and monarchical concentration grew steadily stronger. This concentration, which appeared under Philip August, became more and more evident under Louis IX, who perfected the work of unification begun by his grandfather. A lover of justice, respectful of the rights of others, and jealous of his own, he made no attempt to crush the feudal lords or the cities. There was nothing despotic in his rule, and he permitted all kinds of social forces to develop themselves.[2] His reign resembled the oak under which he held his court of justice; for the oak, the lord of the forest, likewise refrains from stifling growths of more fragile structure which seek protection under its shade.

Without attempting to establish a parallel between the policy and social condition of France and those of neighboring countries, one yet cannot fail to recognize that the stability realized by Louis IX recurs *mutatis mutandis* in England. According to the picturesque expression of Frederic Harrison, John Lackland rendered to England "the inestimable service of losing her French possessions."[3] There also the country organized itself from within out-

[2] *Luchaire, A.*, Louis VII., Philippe Auguste, Louis VIII., Tome III *de Histoire de France* publiée par Lavisse., 1902, p. 203 et suis.

[3] Fr. Harrison, A Roman Survey of the 13th Century. In: *The Meaning of History and Other Historical Pieces*, Macmillan, 1916, p. 161.

wards. The *Magna Charta* of 1215 established a rule of liberty in favor of the clergy and the nobility; it produced an equipose between the powers of the king and the representatives of the nation. Parliament came to live. Intelligent princes, like Edward I (1272–1307) completed the conquest of the Island and perfected the national institutions.

Much the same took place in the Norman Kingdom of the Two Sicilies, and in the Catholic kingdoms of Spain, which grew powerful at the cost of the Arab states in the south of the peninsula, and in which later the Cortes checked the royal power. Like his relative Louis IX, Ferdinand III, king of Castile, had centralizing conceptions. He organized a central administration of the state; and only his death prevented him from achieving legislative unity, which would have welded together the mosaic of peoples living on the increasing territories of Castile.[4]

Whereas in France, in England, in the Catholic kingdoms of Spain, and in the Norman kingdom of the south of Italy, royalty gained in influence, the Germanic emperor lost, to some extent, his authority;—with the result that the two types of government in the west, centrifugal feudalism and centralized Cæsarism, steadily approached each other, and the different European states became more like a single family. The German barons, bishops, and abbots were no longer the "valets" of the emperor; the feudal nobility gained more independence; cities began to show their power.

Even in Italy, which the emperors always claimed as their own, Frederic II, son of Frederic Barbarossa, had to reckon with the Lombard cities which were powerful principalities, seeking to shake off his yoke. In his person the family of the Hohenstaufen underwent defeat at the hands of the Pope.

Overlooking the peoples in process of formation, and the states which were striving towards an autonomous national

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[4] Altamira, *Historia de España y de la civilisacion Española*, 1913, I, p. 385.

life, stood the Papacy, which assumed in the person of Innocent III its most perfect mediæval expression. Its mission being above all regulatory, the Papacy pursued a religious and international policy, the effect of which on the whole century will be defined (IV).

But politics, whether of Kings or of Popes can but fabricate the mere skeleton of civilization. Its inner life circulates in religious and moral feelings, in social, artistic, philosophical and scientific doctrines.

Christian dogma and Christian ethics permeated the whole human fabric, no activity being exempted; they lent supernatural sanction to the life of individuals, families and peoples, who were all on a pilgrimage (*in via*) towards the heavenly home (*in patriam*). Christianity gave a consecration to those working in guilds, to the profession of arms provided the war be just, to ateliers of painters and of sculptors, to the building of cathedrals, to cloister schools and universities.

And in the whole of art, there was the same dream of universality, and the same attempt to realize rigorously the ideal of order.

The Gothic cathedrals, which are the most perfect flowering of mediæval genius, astound modern architects by the amplitude of their dimensions and, at the same time, by the logic of their plan. To make the edifice a mirror of nature, of the moral world, and of history, architecture calls to its aid sculpture, painting and stained glass. Immense shrines populate themselves with statues, with figures of animals, plants and foliage, with designs of every kind. The visible world is nothing more than a reflection of the thought of God. Mediæval artists thought that all creatures might find a place in the cathedral. Likewise, the cathedral is the mirror of science, and, in fact, all kinds of knowledge, even the humblest, such as fitted men for manual labor and for the making of calendars, and also the highest, such as liberal arts, philosophy and theology, were given plastic form. Thus without difficulty the cathedral could serve as a visible catechism, where the man of the

thirteenth century could find in simple outline all that he need believe and know. The highest was made accessible to the lowest. And architecture has not been more social and popular at any other period of history.

Literary production of the thirteenth century does not rival the monuments of stone, but none the less it is not lacking in great endeavors. A work like the *Roman de la Rose* is a sort of encyclopædia of everything that a cultured layman of the middle of the thirteenth century ought to know. The *Divine Comedy*, a work which has not been imitated and which is inimitable, is a symphony of the whole time, and Dante informs us that he writes "the sacred poem to which heaven and earth put their hands."

Whereas the artists gave a new outburst of life to art, the intellectual classes were hungering and thirsting to know all, to assemble everything within the domain of knowledge, and after having completed the collection, to submit all to order.

There are different levels in the effort toward this order. Lower down, the encyclopædists of the time wished to make an inventory of all that is to be known. The jurists of Bologna brought together theories of Roman law and their applications to the middle ages. The most famous of these lawyers, Accursius who died in 1252, united in an enormous compilation, the *Glossa ordinaria*, all the works of his predecessors. About the same time, the *légistes* of Philip August translated the *corpus juris* into French; Edward I had a collection made of the decisions of the court of justice; and Jaime I of Aragon had a codification made of laws, called the *Canellas*. Furthermore, the canonists, at the wish of the Popes, continued the work of codification begun by Gratianus in his *Decretum*, and brought together the decisions of the Popes (Decretales) and the decisions of the councils.[5]

And finally and most important of all, the philosophers and theologians,[6] lovers of order and clearness, drew up vast

[5] Cf. H. O. Taylor, *The Mediæval Mind*, Macmillan, 1914, Vol. II, p. 292.

[6] Cf. our study on: Western Philosophy and Theology in the 13th Century, in *The Harvard Theological Review*, October, 1918.

classifications of human knowledge, wherein every kind of thinking finds its place. Monumental *Summæ* display to us a philosophical conception of the physical and moral world, a general theory of the place of man in the universe in relation to God. At the same time, they contain a systematic exposition of Catholic dogma and of supernatural life. The order, for which the age was athirst, was nowhere better provided than in these monuments of doctrine, where all holds together, with implications and logical articulation; all that we have to say of the society of nations is nothing more than a chapter in this great assemblage of ideas, each of which is concordant with all the others.

The philosophy and theology which the theory of the society of nations presupposes, held a place of authority which gave it an *international* prestige. Accordingly, its adoption by the intellectual classes of western Europe was achieved without the slightest difficulty.

This brings us to *internationalism*, a second characteristic of the civilization.

II.

Internationalism.

All was ready, at the beginning of the thirteenth century, for a movement towards cosmopolitism.

No matter to what nation they belonged, thinkers of the thirteenth century accepted the same classifications of knowledge. Also they accepted almost without exception the *dominant scholastic philosophy*, of which individuals such as the Italian Thomas Aquinas, the English Duns Scotus, the Flemish Henry of Ghent offered different interpretations. It is true there were movements of opposition —averroism for instance,—but they could not compete with the cosmopolitan authority of the scholastic philosophy.[7] Similarly, there was no fundamental disagreement in respect to theological doctrine. Thus there was a kind of common atmosphere, a uniformity of thinking

[7] Cf. our *Histoire de la philosophie mediéval*, 4th edition, 1912. A German edition and an Italian have been published in 1913; an English edition in 1909.

which permeated all philosophical systems. At that time, it was not the habit for one set of thinkers to make it their business to destroy the presuppositions which the other set had attempted to build up. We may say that this absence of predatory instinct among philosophers was characteristic of the time.

The great centres of speculative studies—Paris, Oxford—accept the same program and teach the same science. One system of education for princes, lords and clerks; one faith; one code of morals; one ritual; one hierarchy; one church; one sacred and learned language—the Latin—for the whole West. The Crusades had taught the barons to know each other. Commerce also established contacts between men of several countries, and predisposed men to a thinking which was no longer local.

The rapid extension of Gothic art is another example of common need. It disclosed a conception of beauty, not limited to any one people. The marvelous architecture and sculpture, which first saw the day in the Isle de France, passed almost immediately over into England, Spain, Germany;—and, as M. Mâle has taught us, it became "œcumenical."[8]

And finally, there were already existing executive agents accustomed to deal practically with international situations (IV).

S. Augustine left us this fine definition of peace: "It is order which gives us tranquility."[9] There was, of course, an abundance of comment upon this formula among the philosophers of the century, but the whole civilization was under its influence. Once everything is in place, and each thing is as it ought to be, a kindly repose hovers over all.

Everybody believed sincerely that the world had arrived at the end of a journey; a stability close to perfection seemed to have been attained. There was no one who was

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[8] Mâle, *L'art religieuse du 13 siècle en France*, Étude sur l'iconographie et les sources d'inspiration Paris, 1910, p. 5.

[9] Pax omnium rerum tranquilitas ordinis. *De civitate Dei*, L. XIX, cap. 13.

not content, and this state of complacency lasted from the middle of the thirteenth century till the middle of the fourteenth.

It was under these conditions that the lawyers and canonists, the philosophers and theologians dared to attempt the realization of a wider organization, which should comprise, by the inclusion of single states, a universal society of human beings. Let us look at their universe through their eyes!

III.

The Society of Human Beings: Humana universitas.

God created all things; all things are subjected to His providence. He is the Sovereign, the King of the universe. Everywhere in His kingdom hierarchy and order prevail; yet all depends upon him and tends towards him. The angels, who are pure spirit, are arranged in degrees of perfection, but are all in his service and contemplate his infinitude. Man, spirit united with matter, dwells in a corporeal space, the earth, waiting until in a future he shall realize the supernatural destiny which the redemption of Christ has assured him.

The earth is the centre of the world, the immovable pivot around which the stars and the planets, riveted like nails of gold to the spheres, revolve. And because unity is always more perfect than plurality, the stellar system of which the earth is the centre is the only world created by God, whereas the plurality of worlds would seem less compatible with the unity of the Creator's plan.

Just as the earth is the centre of the universe, so man is the king of the earth. He is the end of the creation, and the most perfect image, here below, of God. Man is like a little world, *microcosmos*. In the words of Dante, he resembles the line of the horizon, where two hemispheres seem to meet.[10]

Formed to be happy—for, all beings strive to happiness[11]

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[10] "Recte a philosophis assimilatur horizonti qui est medium duorum hemisphæriorum," *De monarchia*, L. III.

[11] Bonum est quod omnia appetunt.

—man has a twofold destiny: a temporal end which he must realize here on earth, and a supernatural end, in which he obtains a perfect vision and love of God, the right of approach to which he must gain while in this life.

Now, he cannot attain this temporal end and prepare himself for the supernatural end, unless he live in a society. Without society, he cannot meet the requirements of the material life, nor develop sufficiently his personality. He is a social animal, "animal politicum."

Moreover, a society cannot exist without a commanding authority. Society of the family (domus), of the village (vicus) which united several families, of the city (civitas) which consists of a larger assemblage, of the kingdom (regnum particulare) which unites a number of villages and cities—the commanding social authority represents in this collection the authority of God, from whom it derives its power, since it is the instrument of his providence.

The ideal, as S. Augustine says in the *City of God*, would be that society on earth should be an exact copy of the divine city where all is peace and unity. In respect of political groups, those which are greater than the family, it would be best that there should be but one in the whole world.

But such unity is impossible, because of discussions among men: masses of men, like masses of water, are the more dangerous as they are more abundant.[12] If there were no other reason, divergence in language is a sufficient cause of dissension—*hominem alienat ab homine*—for a man has a better understanding with his dog than with another man who does not understand his language.[13] So, different kingdoms are required, and the rivalries between those involve wars and all their evils.

The philosophers, theologians, canonists, jurists, publicists of the thirteenth century reproduce all these doc-

[12] Post civitatem vel urbem sequitur *orbis terræ*, in quo tertium gradum ponunt societatis humanæ, incipientes a domo atque inde ad urbem, deinde *ad orbem* progrediendo venientes: qui utique, sicut aquarum congeries, quanto major est, tanto periculis plenior. *De civitate Dei:* XIX, ch. 7.

[13] *Ibid.*

trines of the *City of God*, which exercised such a fascination on the whole of the middle ages. But they wish to correct the defects arising from the plurality of states, by a unifying theory, the universal community of men, *humana universitas*, as Dante says.[14] They wish, at any cost, to recover, in spite of the several kingdoms, a unity of direction, such as guides the revolution of the spheres, the general government of the universe.[15]

No one at that time doubted that man has a double end to fulfill; and consequently everybody admitted that there must be in a human society two kinds of rules: a temporal and a spiritual. The spiritual hierarchy is very clearly constituted: above the groups in parishes, directed by the rectors, are the bishops; above the abbeys directed by the abbots are the heads of the order; above all is the Pope who represents Christ on earth. As for the temporal domain, above single states which were in process in formation, and which, for the most part, were governed by kings, the theorists proclaimed the rights of a *Single Monarch*. This was a political postulate. It was the Cæsarian dream which, from the time of Charlemagne, haunted the mind, and which was never more brilliantly defended.

One may read, in the *De monarchia* of Dante, the weighty considerations which the philosophical poet urges in defense of the universal monarchy, the political panacea which was to restore the golden age on earth. A single monarch, raised above the different kings of feudal Europe, was required to effect the unification of human society. There was no other method of establishing unity between the scattered groups of human kind, of subordinating the parts in the interest of the all.[16]

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[14] *De monarchia*, L, I.

[15] Humanum genus est filius cœli quod est perfectissimum. . . . Et cum cœlum totum unico motu, scilicet primi mobilis et unico motore qui Deus est, reguletur, etc. *Ibid.*

[16] Constat quod totum humane genus ordinatur. Bk. I, Partes humanæ universitatis respondent ad ipsam per unum principium. Humanum genus potest regi per unum principem. Now: quod potest fieri per unum melius est fieri per unum quam per plura.

After broaching these metaphysical arguments, Dante enters upon practical bearings of the problem. This is, he says, the only method of avoiding contentions in the world.

Since he would be the most powerful ruler on earth, the Single Monarch would necessarily be just, and exempt from all covetousness. For, his jurisdiction would not be like these of the kings of Castile and Aragon whose kingdom is limited, but he would rule from ocean to ocean.

Not that the universal monarch need occupy himself with each municipality. There needs must be a number of kingdoms; for the Scythians, who live in a country where the days and nights are unequal, cannot be ruled by the same laws as the Garamantes who live at the equinox. Still there are interests common to all peoples of humanity, which can only be entrusted to a single ruler.[17] The universal monarch should preoccupy himself with universal peace, and it is from him that the kings of the single states receive rules for their conduct with this end in view. Recurring once more to a philosophical comparison which gives expression to his poetical temperament: this rule of conduct, he says, which should assure the harmony of human race should be dictated by the monarch to the single kings, just as the speculative intellect furnishes to the practical intellect the principles which guide our actions.[18] And Dante's conclusion is that, just as a man's peace with himself is the condition of his personal happiness, so likewise universal peace, *pax universalis*, can alone realize the happiness of the human race. Apart from this, Dante says nothing as to the functions of this guide, arbiter and judge.

Who is this single monarch? It is the German Emperor, consecrated by the Pope, considered by Dante as the heir of the Cæsars and of Charlemagne.[19] As to this identification, there is no divergence of opinions.

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[17] Ut humanum genus secundum sua communia quæ omnibus competunt ab eo regatur et communi regula guvernatur ad pacem. *Ibid.*

[18] Quam quidem regulam qui legem particulares principes ab eo recipere debent, tanquam intellectus practicus—recipit majorem proportionem—ab intellectu speculativo. *Ibid.*

[19] Lib., III, *De monarchia.*

But another question brought to pass a divergence of opinions between canonists and legists. We mention it only because it concerned this centripetal tendency of the time, this fascination of unity, and because one of the best known quarrels of the thirteenth century seems to us clearly connected with the philosophical controversy about the society of human beings: the Emperor and the Priesthood being distinct, and resting upon two heads, there was again a new *duality* which must be reduced at any cost to an inclusive unity.

Canonists, such as Innocent IV, Johannes Andreæ, etc., proclaimed the *subordination* of the Emperor to the Pope, that is, of the temporal power to the spiritual. Christ, they said, is the sole King of humanity, and the Pope is his viceroy on earth. Emperors and Kings cannot exercise temporal power except by a delegated power which is always revocable,—so that "the principle of separation was applicable merely to the mode in which these powers were to be exercised."[20]

Not so, replied Dante with all the legists. We are as desirous as you are of introducing unity of command over mankind, but this unity is the effect of a *co-ordination* between two distinct powers, each of which proceeds directly from God.[21] "Imperium et Papæ *æque* principaliter sunt constituti a Deo,"[22] and: "imperium non dependet ab ecclesia"[22] are the Shibboleth of the legists. At the best, Dante adds, since the temporal felicity is subordinated to the eternal, the Emperor owes a certain kind of respect to the Pope. Just as there is an obligation upon the oldest son to make sure that there is a respectful understanding between him and the head of the family.[23]

Thus, for the legists as well as for the canonists, human society is a single association in which order prevails throughout.

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[20] *Gierke*, Political Theories of the Middle Age. Translated by F. W. Maitland (Cambridge, 1913), p. 12.

[21] *De monarchia*. Lib. III.

[22] *Gierke, op. cit.*, p. 16.

[23] Illa igitur reverentia Cæsar utatur ad Petrum qua primogenitus filius debet uti ad Patrem. Lib. III.

IV.

The Executive Agents of Internationalism.

Did the theory of the universal monarchy as maintained by the legists, and the theory of the omnipotence of the Pope, as defended by the canonists, remain nothing more than a subtle academical thesis? Or did they descend from theory in living practice? History gives the reply to these questions, and it is sufficient briefly to recall the answer.

Under the name of the Holy Roman Empire, the Kings of Germany desired to find a hegemony over the peoples of the West. They maintained, as Dante taught us,[24] that they were the heirs of Charlemagne, and that they were thus the heirs of the Roman Cæsars. Hence their claims upon the right to dominate Italy, and to dictate princelings, "reguli" of the West. Hence also the seizure, by the ambitious dynasty of the Saxons, and by the even more ambitious dynasty of the Hohenstaufen, of the right to nominate the bishops, the abbots, and even the Pope.

Everyone knows what the result was. At Canossa (1077) Gregory VII breaks the power of Henry IV, and delivers the bishops and the Papacy from the will of the emperors; a century later Alexander III resists the claims of Frederic Barbarossa; a few years after, Innocent III reverses the rôles, and disposes of the imperial crown to whomsoever he will. During the course of the thirteenth century, the Emperor, in the person of Frederic II, is once for all beaten. The kings of Europe, however, put up a vigorous resistance to the interference of the emperors. And even in the beginning of the fifteenth century, Antonin of Florence points out the same fact: "Although all the secular lords and kings should be subjected to the emperor, there are, however, many kings who do not recognize him as their superior, invoking either a privilege or another kind of right, or the simple fact, as for instance the King of

[24] Lib. II, III.

France, the doge of Venice and certain other lords."[25] It might be added that the German Emperor was not the only one who asserted his right to the title of heir of Charlemagne, and that certain kings—for instance Louis VII of France[26]—laid claim to the same rights. At all events, he did not succeed in playing the rôle of a pacificator, such as Dante assigned to the universal monarch. Far from being agents of peace, the Hohenstaufen passed their lives in making wars in all possible directions. Pangermanic supremacy, in the thirteenth century, proved a complete bankruptcy.

The fact was that the true agents of international action were the Popes, the representatives of the Theocracy, which attained during the thirteenth century, the greatest potency of its authority. The kind of internationalism imposed by the Popes upon Christian nations, which were indistinguishable from the civilized world, was based upon the Catholicity of the Christian faith and morality, and upon the discipline of the Roman Church. Catholicity means universality. One head recognized by all is the guardian of the great ideal by which the society of the time lived. Gregory VII had already planned the deliverance of Jerusalem and the restoration of the Church of Africa.[27] His successors organized and encouraged the Crusades. Innocent III made use of the new mendicant orders for international and Catholic purposes. Doubtless, there were plenty of heresies after the middle of the twelfth century; they underlay society like the ground-swell of the ocean, not breaking through to the surface. The thirteenth century had not yet heard the warnings of the great dislocations which were to come, and the Catholic faith preserved its internationalism, thanks to the prestige of the Papacy.

[25] "Quum omnes domini et reges seculares deberent esse sub Imperatore, multi tamen reges non cognoscunt eum ut superiorem suum, tuentes se vel privilegio, sive alio jure vel potius de facto, ut rex Franciæ et dux Venetiarum et alii domini." *Summa Theologica*, Titulus III. De dominis temporalibus, C. 1.

[26] Luchaire, Histoire de France publiée par E. Lavisse, T. III, p. 2.

[27] Rocquain, La cour de Rome et l'esprit de Réforme avant Luther. Tome I. La Théocratie, apogée du Pouvoir Pontifical (Paris, Thorin), 1893, p. 48.

Guardian of the faith and morality of the time, the Pope was also absolute master of the discipline. The most autocratic form of the pontifical authority was reached by Innocent III. He intervened time and again in the government of the single dioceses. All kinds of cases could be brought before him; he had an answer for all and for everything.[28] Innumerable appeals were made for his decision. The moment came when Innocent III thought he could restore the schismatic church of the orient to his obedience. He could see upon the episcopal throne of Constantinople a patriarch who recognized his authority. The Serbs and the Bulgarians did him homage, and it seemed for a moment that the Russians would follow their example.

At this point, it is clear that the Pope not only affirmed his supernational rôle as head of the church, but also his rôle as arbitrator of European politics, and as the guardian of international morality. He did not limit himself to the defense and extension of the temporal patrimony, but proclaimed himself the sovereign of all Christendom, by invoking the principle "that the church has the supreme right over the countries upon which she has conferred the benefice of Christian civilization." "Christ," as Gregory VII wrote in 1075, "substituted his reign on earth for that of the Cæsars, and the pontifs of Rome have ruled more states than the emperors ever possessed."[29] By virtue of this doctrine, his successors recognize kings, or absolve their subjects from their duties of obedience; they confer feudal possessions; they make themselves the judges of the election of the German emperors; they receive the homage of the great of the earth; those smitten with excommunication tremble with fear.

This political supremacy was far from being pleasing to all the secular princes. History is filled with the record of their resistance; and everyone knows the reply which Philip August made to the legates of Innocent III: "The

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[28] *Ibid.*: 54, 412; Rocquain, La papauté au moyen âge, 1881, p. 162.
[29] Ep. II, 75. Cf. Roquain, *op. cit.*, p. 54.

Pope has not the right to interfere in the affairs which take place between kings."[30] But even when rising against the Popes, Kings respected the Papacy.

We see this clearly when Innocent protested against the divorce by Philip August of his first queen, excommunicated the king, and obliged him to take back his lawful wife. This act of the Pope, who condemned the violation of the moral law by a great king, is one of the most noble instances of the exercise of his theocratic power. Likewise, when he intervened to prevent wars which he held to be unjust, and when he resorted to arbitration in order to put an end to dispute. Over the society of states, as well as that of individuals he exercises a supreme authority. "Each king has his kingdom," wrote Innocent III; "but Peter has the pre-eminence over all, inasmuch as he is the vicar of Him who governs the earth and all that are therein."[31]

V.

The Philosophical Basis of the Humana Universitas.

What are the presuppositions upon which this conception of a single human society rests?

First of all, it is to be noted that this association does not constitute a *society of nations* in the modern meaning of the term. For, a nation presupposes a strongly organized state, with an accumulation of traditions behind it, with institutions, liberties, and feelings, with victories and sufferings, and with a religious, moral, and artistic type of mind, as its elements, with the result that the bond which unites the nations in a state is first of all a psychical, intellectual and moral character.

Now, the European nations, thus defined, did not yet exist in the thirteenth century: *they were in process of formation.* The monarchical states, by reducing a number of feudal principalities to unity under a central power, were to become, in modern times, the nuclei of nations.

[30] Paul Janet, Histoire de la science politique dans les rapports avec la morale. Paris, 1887, T. I, p. 350.

[31] Rocquain, *op. cit.*, p. 358.

Despite the centralizing tendencies of the king, the state in the thirteenth century did not attain a perfect consistency. Certain supreme powers, such as the judicial power, remained in a much more fragmentary condition, and the same is true in respect of the right of warfare, which was associated with the right of giving justice. War is not a contest between two nations, but a struggle between two members of a single family, or two kings, or two vassals, or between the vassal and the lord. It retains the character of a private war, and thus it is that in his philosophical doctrine of war, Thomas Aquinas insists that a war, to be just, must be declared by the legitimate authority.

By the very fact that the states of the thirteenth century were not formed into clearly defined nations, they had more traits in common than those of to-day. But the states of that period were on the point of becoming diversified. The thirteenth century was like a central plateau, and the streams which flowed from it, cut their beds in different directions. The republic of human kind, which the intellectuals of the thirteenth century had in view could not be other than a society of states, *such as then existed*, more or less unformed, embracing within themselves, as their elements, various races and divers languages.

Now, the accepted opinions held by the publicists with regard to the state,—with regard to any state,—as found in all the treatises *de regimine principum* would have to be applied to their doctrine of a society of nations. Their formula would be: "the principal factor in a political organization is not the collectivity, but the individuals which compose the collectivity." Apart from the individuals, the state is nothing at all and cannot commit any crime. Consequently the state itself has no proper *end* save the *ends* of the citizen. Thus "the individuals do not exist for the welfare of the state, but the state for the welfare of the individuals."[32] The state is organized to assure the pros-

[32] Ptolemée de Lucques, Comment. ad Polit. III, 3, regnum non est propter regem, sed rex propter regnum. Thomas Aquinas, de regimine principum. Oportet eundem finem esse multitudinis humanæ qui est hominis unius. L. I, 1.

perity of each citizen and for the development of each personality. Now this prosperity and this development imply the right of the individual to own property, to exercise his intelligence and his will, to cultivate science, to marry and to bring up children, the right to practice religion and morality—in short, a whole series *of inalienable rights*, which belong to every human being, king or subject, lord or vassal, rich or poor, because they are the expression of human nature which is the same for all.

The state existing only for the individuals, a society of states is a grouping of individuals more than a group of governments, a *republica humana*, a society of individuals. The universal Monarch is the servant of all, *minister omnium*[33] as says Dante, precisely as the Pope is the servant of the servants of God, *servus servorum Dei*. He wills the welfare of each man; he is nearer to each than any single sovereign; inasmuch as he is quite free from any motive of gain, he is the object of the disinterested love of all human beings.[34]

Just because war prevents the state from watching over the welfare of individuals, it is forbidden. Just because wars of conquest lacerate not only the state, but the citizens who form the state, they are rigorously condemned. And just because the state is an association of individuals, there is no difference between the morality of the governors and that of the governed, and for the same reason fidelity to treaties and observation of the precepts of loyalty which are the supreme basis of the *jus gentium*, is required.

If one were to continue this inquiry into the bases of these doctrines, it would be clear that this theory of *inalienable rights*, as derived from human nature, rests in its turn, on the metaphysics and the psychology of the age. It would prove to be the development of S. Augustine with regard to the *rationes æternæ*, and of Thomas Aquinas with regard

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[33] *De monarchia*, I. Frederic the Great of Prussia said: der König ist der erste Diener des *Staates*."

[34] *De monarchia*, I.

to the immutability of essences and of the value of human personality. It would harmonize completely with the stoic elements of the Roman law.

What remains of this marvelous structure of doctrines? Perhaps the only element which survives is the solemn affirmation of the *inalienable rights* of individuals. As for the unifying conceptions of the thirteenth century, they vanished after the middle of the fourteenth century, and with them all that was *specific* in mediæval civilization disappeared. The authority of Popes dwindled in the domain of politics; and soon afterwards the Reformation put an end to the accepted unity of beliefs and dogmas. The European states grew more and more stable, and their national spirit was ever more divergent. The sovereignty of a single temporal monarch became ridiculous, in proportion as the time advanced. It was unable to realize itself in the thirteenth century, when all conditions were favorable, and it can never hope for a better chance.

And similarly, the society of *human beings—universitas humana*—in its mediæval form, has been condemned; and if it be yet possible, it will only be on condition that it be transformed into a society of *Nations*, wherein autonomous and compactly organized states will be represented on a basis of equality.

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